

THE PATENT OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA

Address: 6 Xi Tu Cheng Lu, Haidian, Beijing

Post Code: 100088

Applicant:	CANON KABUSHIKI KAISHA	Date of Notification: Date: <u>19</u> Month: <u>03</u> Year: <u>2004</u>
Attorney:	FU JIANJUN	
Application No.:	02143801.3	
Title of the Invention:	記録装置及びその制御方法及び記憶媒体	

Notification of the First Office Action

1. ☒ The applicant requested examination as to substance and examination has been carried out on the above-identified patent application for invention under Article 35(1) of the Patent Law of the People's Republic of China(hereinafter referred to as "the Patent Law").
☐ The Chinese Patent Office has decided to examine the application on its own initiative under Article 35(2) of the Patent Law.
2. ☒ The applicant claimed priority/priorities based on the application(s):
filed in JP on 09/10/2001, filed in _____ on _____,
filed in _____ on _____, filed in _____ on _____,
filed in _____ on _____, filed in _____ on _____,
☐ The applicant has provided the priority documents certified by the Patent Office where the priority application(s) was/were filed.
☐ The applicant has not provided the priority documents certified by the Patent Office where the priority application(s) was/were filed and therefore the priority claim(s) is/are deemed not to have been made under Article 30 of the Patent Law.
☐ The application is a PCT continuation.
3. ☐ The applicant submitted amendments to the application on _____ and on _____, wherein the amended _____ submitted on _____ and the amended _____ submitted on _____ are not acceptable, because said amendments do not comply with ☐Article 33 of the Patent Law.
☐Rule 51 of the Implementing Regulations of the Patent Law.
The specific reasons why the amendments are not allowable are set forth in the text portion of this Notification.
4. ☒ Examination as to substance was directed to the initial application documents as filed.
☐ Examination as to substance was directed to the documents as specified below:
pages _____ of the description, claims _____ and pages _____ of the drawings submitted on _____,
pages _____ of the description, claims _____ and pages _____ of the drawings submitted on _____,
pages _____ of the description, claims _____ and pages _____ of the drawings submitted on _____,
the abstract submitted on _____, and the figure for the abstract submitted on _____.
5. ☐ This Notification is issued without search reports.
☒ This Notification is issued with consideration of the search results.
☒ Below is/are the reference document(s) cited in this Office Action(the reference number(s) will be used throughout the examination procedure):

No.	Number(s) or Title(s) of Reference(s)	Date of Publication (or the filing date of conflicting application)
1	JP 5-318845 A	Date: <u>03</u> Month: <u>12</u> Year: <u>1993</u>
2	CN 1137649 A	Date: <u>11</u> Month: <u>12</u> Year: <u>1996</u>
3	CN 1152747 A	Date: <u>25</u> Month: <u>06</u> Year: <u>1997</u>
4		Date: __ Month: __ Year: __
5		Date: __ Month: __ Year: __

6. Conclusions of the Action:

- ☐ On the Specification:
- ☐ The subject matter contained in the application is not patentable under Article 5 of the Patent Law.
 - ☐ The description does not comply with Article 26 paragraph 3 of the Patent Law.
 - ☐ The draft of the description does not comply with Rule 18 of the Implementing Regulations.
- ☒ On the Claims:
- ☒ Claim(s) 10 is/are not patentable under Article 25 of the Patent Law.
 - ☐ Claim(s) _____ does/do not comply with the definition of inventions prescribed by Rule 2 paragraph 1 of the Implementing Regulations.
 - ☐ Claim(s) _____ does/do not possess the novelty as required by Article 22 paragraph 2 of the Patent Law.
 - ☒ Claim(s) 1-8 does/do not possess the inventiveness as required by Article 22 paragraph 3 of the Patent Law.
 - ☐ Claim(s) _____ does/do not possess the practical applicability as required by Article 22 paragraph 4 of the Patent Law.
 - ☒ Claim(s) 1-8 does/do not comply with Article 26 paragraph 4 of the Patent Law.
 - ☐ Claim(s) _____ does/do not comply with Article 31 paragraph 1 of the Patent Law.
 - ☒ Claim(s) 2 does/do not comply with the provisions of Rules 20-23 of the Implementing Regulations.
 - ☐ Claim(s) _____ does/do not comply with Article 9 of the Patent Law.
 - ☐ Claim(s) _____ does/do not comply with the provisions of Rule 12 paragraph 1 of the Implementing Regulations.

7. In view of the conclusions set forth above, the Examiner is of the opinion that:

- ☐ The applicant should make amendments as directed in the text portion of the Notification.
- ☒ The applicant should expound in the response reasons why the application is patentable and make amendments to the application where there are deficiencies as pointed out in the text portion of the Notification, otherwise, the application will not be allowed.
- ☐ The application contains no allowable invention, and therefore, if the applicant fails to submit sufficient reasons to prove that the application does have merits, it will be rejected.
- ☐

8. The followings should be taken into consideration by the applicant in making the response:

- (1) Under Article 37 of the Patent Law, the applicant should respond to the office action within 4 months counting from the date of receipt of the Notification. If, without any justified reason, the time limit is not met, the application shall be deemed to have been withdrawn.
- (2) Any amendments to the application should be in conformity with the provisions of Article 33 of the Patent Law. Substitution pages should be in duplicate and the format of the substitution should be in conformity with the relevant provision contained in "The Examination Guidelines".
- (3) The response to the Notification and/or revision of the application should be mailed to or handed over to the "Reception Division" of the Patent Office, and documents not mailed or handed over to the Reception Divisions have no legal effect.
- (4) Without an appointment, the applicant and/or his agent shall not interview with the Examiner in the Patent Office.

9. This Notification contains a text portion of 2 pages and the following attachments:

- ☒ 3 cited reference(s), totaling 14 pages. ☐

Examination Dept. 9 Examiner: Dong Zehua Seal of the Examination Department

Notification of the First Office Action

1. Claim 1 seeks to protect a recording device. However, according to the mode of carrying out the invention of the specification, that is, lines 7-11, page 7 (Attorney: lines 7-13, page 8 of Japanese text), this invention actually provides a photo-direct printer apparatus. So the subject matter of recording device of claim 1 does not agree with the printer apparatus described in the embodiments, which renders the technical solution of claim 1 not to be substantially supported by the specification. Thus claim 1 contradicts Article 26.4 of the Chinese Patent Law. Moreover, claims 4 and 6 have the similar defects.

Even if the word “recording” in claim 1 is amended as “printing” and the description of “recording image on a recording medium” in line 4 therein (Attorney: line 5, page 24 of the Japanese text) is amended as “storing image in a memory” in order to overcome the above-mentioned defect, claim 1 still has no inventiveness stipulated in Article 22.3 of the Chinese Patent Law. The reasons are as follows.

2. Reference 1 (JP5-318845A) in the same technical field also discloses a direct printer, and discloses the following technical features (see line 20, column 1 to line 7, column 4 and figure 1 of the specification). Namely, in order to directly print data from various outer apparatuses, the printer is provided with two or more different outer apparatus interfaces so as to be respectively connected to two or more outer apparatuses (corresponds to the input means of claim 1); a print means (corresponds to the memory and the print means of the amended claim 1) which can print after it receives data from the outer apparatuses and perform a buffer store processing; a control means for controlling the print means and the outer apparatuses corresponds to the first/second print control means in the amended claim 1.

Claim 1 differs from reference 1 in a decoding means for decompressing the second data source and an image processing means for executing color space conversion processing, size change processing, and color conversion processing.

However, reference 2 (CN1137649A) in the same technical field also discloses a print

system, and discloses that a print system comprises a printer and information processing device (see lines 17-20, page 4 of the specification), wherein the information processing system is provided for the printer in order that the printer can print the compressed data input from the outer apparatus. Reference 2 implies that a processing device for correspondingly processing the corresponding data is provided for the printer in order that a printer can print the data input from the outer apparatus.

Moreover, reference 3 (CN1152747A) in the same technical field discloses an image processing method, and discloses (see the abstract of the specification) that the printing is done after a synthesis processing of zooming in, zooming out and rotating an image through an image processing device, and reference 3 also implies that the image is edited and processed according to the need of the data input from the outer.

So, when the skilled in the art faces the technical problem to be solved in this invention of inputting data from various outer apparatuses and printing the input various data, it is obvious for a printer provided with various outer apparatuses interfaces to further provide various information processing devices for processing various data input from the outer apparatuses by combining the technical contents of reference 1 that a printer is provided with various outer apparatus interfaces so as to input data from various outer apparatuses and print the input various data with the technical implicate of reference 2 that a processing device for correspondingly processing the corresponding different data is provided for a printer in order that the printer can print different data input from different outer apparatuses.

Moreover, reference 3 also implies that the image is edited and processed according to the need of the data input from the outer. So, on the basis of reference 2 that different information processing device for correspondingly processing the corresponding different data is provided for a printer in order that the printer can print different data input from different outer apparatuses, it is also obvious to further provide an image editing means for editing the data input from the outer apparatus for a printer in order to edit according to the need of the image data input from the outer apparatus so as to be convenient for direct print.

Thus, when the skilled in the art faces the technical problem to be solved in this invention of inputting data from various outer apparatuses and printing the input various data, it is obvious to obtain the technical solution of disposing various interfaces for a printer,

disposing decompressing/editing means according to the direct-printing data from different outer apparatuses. So the amended claim 1 has not inventiveness stipulated in Article 22.3 of the Chinese Patent Law.

3. Claim 2 has not inventiveness stipulated in Article 22.3 of the Chinese Patent Law, since reference 1 has disclosed providing two or more kinds of external device interfaces for the printer.

4. Claim 3 has not inventiveness stipulated in Article 22.3 of the Chinese Patent Law, since it is well known in this field that data processing is made using hard ware processor and corresponding soft ware controlling program.

5. Claim 4 corresponds to claim 1. The memory card mounting unit and a first/second terminal correspond to the different input means in claim 1, and the remaining part are same as claim 1. The memory card mounting unit and a first/second terminal in claim 4 correspond to two or more kinds of external device interfaces in reference 1. So claim 4 has not inventiveness stipulated in Article 22.3 of the Chinese Patent Law for the same reasons as for claim 1.

6. Claims 6-8 seek to protect methods corresponding to the apparatus of claims 1-3. So claims 6-8 have not inventiveness stipulated in Article 22.3 of the Chinese Patent Law for the same reasons as for claims 1-3.

7. Claim 9 seeks to protect a computer-readable storage medium for storing a program. The program has not any effect to the characteristics of the storage medium itself. So the storage medium defined by the program is not clear and contradicts Rule 20.1 of the Implementing Regulations of the Chinese Patent Law (please refer to lines 11-15, page 148 of Section 2 of the Examination Guidelines).

8. Claim 10 seeks to protect a program which belongs to a metal rules and activities,

so it cannot be patented according to Article 25.2 of the Chinese Patent Law (please refer to line 2, page 145 of Section 2 of the Examination Guidelines).

For the reasons above, the applicant should file sound arguments and/or new text in due time. When the claims are amended, the description should be amended correspondingly according to Rule 18 of the Implementing Regulations of the Chinese Patent Law. Any amendment should satisfy Article 38 of the Chinese Patent Law that the amendment shall not go beyond the original disclosure. If the applicant does not file sound arguments or file new text, this application will be finally rejected. The voluntary amendments will not be accepted.

中华人民共和国国家知识产权局

邮政编码: 100037

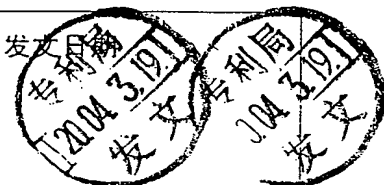
北京市阜成门外大街2号万通新世界广场8层
中国国际贸易促进委员会专利商标事务所
付建军

E022/25

申请号: 021438013



发文日期



申请人: 佳能株式会社

发明创造名称: 记录装置及其控制方法和记录媒体

第一次审查意见通知书

1. ☒ 应申请人提出的实审请求, 根据专利法第35条第1款的规定, 国家知识产权局对上述发明专利申请进行实质审查。

☐ 根据专利法第35条第2款的规定, 国家知识产权局决定自行对上述发明专利申请进行审查。

2. ☒ 申请人要求以在:

JP 专利局的申请日 2001年10月09日为优先权日,
专利局的申请日 年 月 日为优先权日,
专利局的申请日 年 月 日为优先权日,
专利局的申请日 年 月 日为优先权日,
专利局的申请日 年 月 日为优先权日。

☒ 申请人已经提交了经原申请国受理机关证明的第一次提出的在先申请文件的副本。

☐ 申请人尚未提交经原申请国受理机关证明的第一次提出的在先申请文件的副本, 根据专利法第30条的规定视为未提出优先权要求。

3. ☐ 申请人于 年 月 日和 年 月 日提交了修改文件。

经审查, 申请人于: 年 月 日提交的 不符合实施细则第51条的规定;
年 月 日提交的 不符合专利法第33条的规定;

4. 审查针对的申请文件:

☒ 原始申请文件。 ☐ 审查是针对下述申请文件的

申请日提交的原始申请文件的权利要求第	项、说明书第	页、附图第	页;
年 月 日提交的权利要求第	项、说明书第	页、附图第	页;
年 月 日提交的权利要求第	项、说明书第	页、附图第	页;
年 月 日提交的权利要求第	项、说明书第	页、附图第	页;
年 月 日提交的说明书摘要,	年 月	日提交的摘要	

5. ☐ 本通知书是在未进行检索的情况下作出的。

☒ 本通知书是在进行了检索的情况下作出的。

☒ 本通知书引用下述对比文献(其编号在今后的审查过程中继续沿用):

编号	文件号或名称	公开日期 (或抵触申请的申请日)
1	JP5-318845A	1993-12-03
2	CN1137649A	1996-12-11
3	CN1152747A	1997-06-25

6. 审查的结论性意见:

☐ 关于说明书:

☐ 申请的内容属于专利法第5条规定的不授予专利权的范围。



21301
2002.8



回函请寄: 100088 北京市海淀区蓟门桥西土城路6号 国家知识产权局专利局受理处收
(注: 凡寄给审查员个人的信函不具有法律效力)

- ☐说明书不符合专利法第 26 条第 3 款的规定。
- ☐说明书不符合专利法第 33 条的规定。
- ☐说明书的撰写不符合实施细则第 18 条的规定。
- ☒关于权利要求书:
- ☐权利要求 不具备专利法第 22 条第 2 款规定的新颖性。
- ☒权利要求 1-8 不具备专利法第 22 条第 3 款规定的创造性。
- ☐权利要求 不具备专利法第 22 条第 4 款规定的实用性。
- ☒权利要求 10 属于专利法第 25 条规定的不授予专利权的范围。
- ☒权利要求 1-8 不符合专利法第 26 条第 4 款的规定。
- ☐权利要求 不符合专利法第 31 条第 1 款的规定。
- ☐权利要求 不符合专利法第 33 条的规定。
- ☐权利要求 不符合专利法实施细则第 2 条第 1 款关于发明的定义。
- ☐权利要求 不符合专利法实施细则第 13 条第 1 款的规定。
- ☒权利要求 9 不符合专利法实施细则第 20 条的规定。
- ☐权利要求 不符合专利法实施细则第 21 条的规定。
- ☐权利要求 不符合专利法实施细则第 22 条的规定。
- ☐权利要求 不符合专利法实施细则第 23 条的规定。

上述结论性意见的具体分析见本通知书的正文部分。

7. 基于上述结论性意见, 审查员认为:

- ☐申请人应按照通知书正文部分提出的要求, 对申请文件进行修改。
- ☒申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。
- ☐专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其申请将被驳回。

☐

8. 申请人应注意下述事项:

- (1) 根据专利法第 37 条的规定, 申请人应在收到本通知书之日起的肆个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。
- (2) 申请人对其申请的修改应符合专利法第 33 条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。
- (3) 申请人的意见陈述书和/或修改文本应邮寄或递交国家知识产权局专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。
- (4) 未经预约, 申请人和/或代理人不得前来国家知识产权局专利局与审查员举行会晤。

9. 本通知书正文部分共有 2 页, 并附有下列附件:

- ☒引用的对比文件的复印件共 3 份 14 页。 ☐

审查员: 董泽华

2004 年 3 月 11 日

审查部门 审查协作中心



第一次审查意见通知书正文

申请号：021438013

权利要求1要求保护一种记录装置，但是如说明书具体实施方式部分也就是第7页第7—11行所述：本发明实际上提供的是照片直接打印机装置，因此权利要求1要求保护的主体记录装置与具体实施例描述的打印机装置不符，导致要求保护的技术方案得不到说明书的实质性支持，因此权利要求1不符合专利法第二十六条第四款的规定，权利要求4和6存在类似的缺陷，即使申请人将权利要求1中的“记录”改为“打印”、其中第4行所述“记录到记录媒体上”改为“存储到存储器上”从而克服了上述缺陷，权利要求1也不具有专利法第二十二条第三款规定的创造性，因为相同技术领域的对比文件1（JP5-318845A）也公开了一种直接打印机，其中（具体参见说明书第1栏第20行至第4栏第7行以及附图1）披露了以下内容：为了直接打印来自不同外部设备输入的数据，为打印机两个或更多的不同的外部设备接口，以便分别连接两个或更多的外部设备（相当于权利要求1中的输入单元）；从而可以从外部设备接收数据并进行缓存处理后打印的打印单元（相当于修改后的权利要求1中的存储器和打印单元）；控制打印单元与外部设备的控制单元相当于修改后的权利要求1中的第1/2打印控制单元。权利要求1和对比文件1的区别在于对于第2数据源还具有解压缩功能的解码单元以及具有颜色空间变换、大小变更以及颜色变换处理功能的图像处理单元。相同技术领域的对比文件2（CN1137649A）也公开了一种打印系统，其中（具体参见说明书第4页第17—20行）披露了打印系统包括打印机和信息处理装置，其中信息处理装置是为了打印机能够打印从外部设备输入的经压缩的数据而为打印机配置的，对比文件2给出了为了打印机能够打印从外部设备输入的数据而为打印机配置对相应数据进行相应处理的处理装置的技术启示；相同技术领域的对比文件3（CN1152747A）公开了一种图表处理方法，其中（具体参见说明书摘要）披露了利用图表处理装置对图表进行放大缩小旋转合成处理后打印的内容，对比文件3又给出了对外部输入的数据需要对图像进行编辑处理的技术启示。因此当本领域普通技术人员面临本发明要解决的从多种外部设备输入数据并对输入的多种数据进行打印的技术问题时，在对比文件1给出的为打印机设置多种外部设备接口以便于从多种外部设备输入数据并对输入的多种数据进行打印的技术内容的基础上，结合对比文件2给出了的为了打印机能够打印从不同外部设备输入的不同数据而为打印机配置对相应的不同数据进行相应处理的处理装置的技术启示，从而为配置了多种外部设备接口的打印机进一步配置多种为处理从外部设备输入的不同数据的不同信息处理装置是显而易见的，对比文件3给出了对外部输入的数据需要对图像进行编辑处理的技术启示，因此在结合对比文件2给出的为了打印机能够打印从不同外部设备输入的不同数据而为打印机配置相应的不同信息处理装置的基础上，根据对从外部设备输入的图像数据需要进行编辑以便于直接打印而为打印机进一步配置编辑从外部设备输入的数据的图像编辑单元也是显而易见的，因此本领域的普通技术人员在面临本发明要解决从不同的外部设备接收数据并直接打印的技术问题时，结合对比文件1、2和3从而得到为打印机配置多种接口、并根据直接打印来自不同外部设备的数据的不同而配置解压缩/编辑单元的技术方案是显而易见的，因此修改后的权利要求1不具有专利法第二十二条第三款规定的创造性。

权利要求2也不具有专利法第二十二条第三款规定的创造性，因为对比文件1已经披露了为打印机配置两种或多种外部设备接口的内容。

权利要求3也不具有专利法第二十二条第三款规定的创造性，数据处理有硬件处理器及相应软件控制程序来执行是本领域的公知常识。

权利要求4的技术方案对应权利要求1的技术方案，所述存储器卡安装部分、第1/2端子对应权利要求1中的彼此不同的输入单元，技术方案的其余部分权利要求4和权利要求1相同，权利要求4所述存储器卡安装部分、第1/2端子相应对比文件1中的两个或多个外部设备接口，因此基于评述权利要求1的理由，权利要求4存在和权利要求1类似的缺陷。

权利要求5和权利要求3对应，因此基于评述权利要求3的理由，权利要求5存在和权利要求3类似的缺陷。

权利要求6-8要求保护一种和权利要求1-3要求保护的装置相对应的方法，基于评述权利要求1-3的理由，权利要求6-8存在同样的缺陷。

权利要求9要求保护一种信息载体的存储媒体，其特征仅在于该载体上的信息也就是程序，而信息载体上的信息对该信息载体本身的特性没有任何实质性的影响，因而用信息载体上记录的信息来限制信息载体导致要求保护的范围不清楚，因此权利要求9不符合专利法实施细则第二十条第一款的规定（可以参见审查指南第2部分第148页第11-15行）。

权利要求10要求保护一种程序，属于智力活动规则和方法，因此属于专利法第25条第2项不授予专利权的情况（可以参见审查指南第2部分第145页第2部分）。

针对上述审查意见，申请人应该在指定的期限内进行意见陈述或提交新修改的申请文件，注意修改权利要求书时，应根据专利法实施细则第十八条对说明书作适应性修改，将修改后的独立权利要求的技术方案记载到说明书的技术方案部分，说明书和权利要求书应该进行一致性修改，并且任何修改都必须符合专利法第三十三条之规定，由于上述审查意见中指出的问题属于专利法实施细则第五十三条规定的驳回情形，因此如果申请人坚持现申请文本不作修改而又不能在意见陈述书中充分论述其符合专利法及其实施细则相关规定的理由，本申请将被驳回。主动修改将会导致文本不予接受。